

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NUMBER: 2:05-00155

PATRICIA BURTON,

Defendant.

**DEFENDANT'S SENTENCING MEMORANDUM  
BASED UPON THE ROLE IN THE OFFENSE ON  
COUNT II OF THE SUPERCEDING INDICMENT**

Comes now the Defendant, Patricia Burton, by her counsel, Troy N. Giatras, of THE GIATRAS LAW FIRM, PLLC, and submits Defendant's Sentencing Memorandum Based Upon the Role in the Offense on Count II of the Superceding Indictment and in support thereof states as follows:

Based upon the psychological evaluation, Patricia Burton is a follower, not a leader and Patricia Burton has a dependent personality. Burton was aware of the plot to kill Carla Collins, but did not have any role in its initial planning or preparation. George Lecco was the inspiration to have Carla Collins killed because she was an informant, and is responsible for giving the order to have Carla Collins killed, and assigned the task of informing Valerie Friend about the plan to Patricia Burton. Burton was never consulted by George Lecco about any aspect of the plan.

Carmella Blankenship had little or no role in the in the murder of Carla Collins and is supported by the fact that the Government chose to grant her

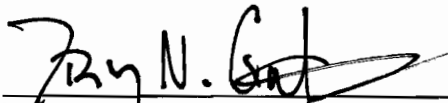
immunity. Therefore, Carmella Blankenship, should not be considered in the evaluation for the role in the offense of Patricia Burton.

Walter Harmon dug a grave near the trailer on April 16, 2005, a day after the murder, at the request of George Lecco and was charged accordingly.<sup>1</sup> Therefore, Walter Harmon, should not be considered in the evaluation for the role in the offense of Patricia Burton.

WHEREFORE the Defendant respectfully asks this Honorable Court to grant her a two level reduction for her role in the offense as it relates to Count II of the Superceding Indictment, and for all further relief this Court deems just and proper.

**PATRICIA BURTON,**

By Counsel



Troy N. Giatras, Esquire  
*The Giatras Law Firm, PLLC*  
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<sup>1</sup> James Allen Bandy testified before the Grand Jury that Steve and Walter Harmon borrowed a shovel from him around 3:30 p.m. on April 17, 2005. Steve Harmon testified before the Grand Jury that Walter Harmon borrowed a shovel from James Bandy on April 16, 2005.

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PATRICIA BURTON,

Defendant.


**CERTIFICATE OF SERVICE**

I, Troy N. Giatras, Esquire, counsel for Defendant, Patricia Burton, do hereby certify that on May 11, 2006, I electronically filed the foregoing ***"Defendant's Sentencing Memorandum Based Upon the Role in the Offense on Count II of the Superseding Indictment"*** with the Clerk of the Court using CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Gregory McVey  
Assistant United States Attorney  
United States Courthouse  
300 Virginia Street East, Room 4000  
Charleston, WV 25301

I hereby certify that I mailed the document by United States Postal Service to the following non-CM/ECF participants:

Patricia Burton  
c/o South Central Regional Jail  
1001 Centre Way  
Charleston, West Virginia 25309-1001



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